

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF MEETING
JUNE 18, 2008
PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on June 18, 2008, at AZ POST, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

Sheriff Gary Butler, Chairman
Dr. Scott Decker
Detective Lee Ann Dobbartin
Mr. Joseph Duarte
Chief Jack Harris
Chief Patricia Huntsman
Deputy Director Dona Markely, representing Director Dora Schriro
Chief Jerry Sheridan

Members Absent:

Attorney General Terry Goddard
Ms. Wendy Larsen
Detective Robert Thompson
Sheriff Chris Vasquez
Director Roger Vanderpool

Staff in Attendance:

Harry Atkins
Ted Brandon
Marie Dryer
Steve Jacobs
Lori Ketron
Lyle Mann
Gary Maschner
Curt Milam
Paul Orfe
Sandy Sierra
Maria Valtierra
Mark Zbojnowicz

Assistant Attorneys General

Nancy Beck
Diana Stabler

Solicitor General
Christopher Munns

A. CALL TO ORDER

Chairman Butler called the meeting to order at 10:00 a.m.

B. APACHE COUNTY SHERIFF'S OFFICE PETITION FOR APPLICANT JAMES P. MCCALL

The Apache County Sheriff's Office has requested a petition for a determination that the pre-employment misconduct for drug usage by James McCall constitutes drug experimentation.

Chief Harris moved that the Board grant the petition for a determination that the pre-employment misconduct, two uses of marijuana in excess of five times since the age of twenty-one, by James P. McCall constitutes drug experimentation, seconded by Chief Sheridan, motion carried unanimously.

C. EL MIRAGE POLICE DEPARTMENT PETITION FOR OFFICER HOWARD KARNER

The El Mirage Police Department has requested a petition for a determination that the pre-employment steroid use by Howard Karner was experimental.

Chief Sheridan moved that the Board grant the petition for a determination that the pre-employment steroid use by Howard D. Karner was experimental, seconded by Mr. Duarte, motion carried unanimously.

D. FINAL ACTION CASES:

Case #1 – Heriberto Bejarano – San Luis Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #2 – Kathleen L. Montgomery – AZ Department of Public Safety

Detective Dobbertin recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Sheridan made a motion to adopt the Consent Agreement Order and Decision and suspend peace officer certification for 143 days beginning on October 9, 2007, and ending on February 29, 2008, seconded by Chief Huntsman, motion carried unanimously.

Case #3 – Bradley J. Peterman – Mohave County Parks

The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Mr. Duarte, motion carried unanimously.

Case #4 – James C. Sallee – Wickenburg Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #5 – Carmen T. Terrell – Maricopa County Sheriff's Office

Chief Sheridan recused himself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Dr. Decker made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Mr. Duarte, motion carried unanimously.

Case #6 – Thayer T. Thacker – Pima County Sheriff's Department

Detective Dobbertin recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Chief Harris made a motion to adopt the Consent Agreement Order and Decision for voluntary relinquishment of peace officer certification, seconded by Chief Sheridan, motion carried unanimously.

Case #7 – Christopher J. West – AZ Department of Public Safety

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Consent Agreement Order and Decision and suspend peace officer certification for one year beginning on November 19, 2007, and ending on November 19, 2008, seconded by Chief Harris, motion carried unanimously.

Case #8 – Martin L. Bowling II – AZ Department of Public Safety

The Board considered comments from Assistant A. G. Nancy Beck and Neil Landeen, attorney for Officer Bowling. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law, seconded by Chief Sheridan, motion carried unanimously.

Chief Huntsman made a motion to revoke peace officer certification; motion dies due to lack of a second. Chief Harris made a motion to impose no sanction, seconded by Chief Sheridan, motion fails by a vote of 4-5. Chief Sheridan made a motion to suspend peace officer certification for 30 days beginning with today's date, seconded by Dr. Decker, motion carried with one nay vote.

- Ms. Beck and Mr. Landeen addressed the Board again at the end of the meeting. Ms. Beck explained that when the board revokes or suspends, by law the order does not become effective immediately. Officer Bowling will have 35 days after the suspension order is mailed to him to request a rehearing or review. If he does not request a rehearing or review, the

suspension order becomes effective at the end of 35 days, and his 30-day suspension will run from that date. If he does request a rehearing or review, the order will not become effective until the board rules on that request. The Board acknowledged Ms. Beck's comments.

Case #9 – Michael J. Boria – Pima County Sheriff's Department

Detective Dobbartin recused herself from this case. The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Harris, motion carried unanimously.

Case #10 – Ofelia C. Robbins – Coconino County Sheriff's Department

At the request of Assistant A.G. Diana Stabler, this case was tabled. Mr. Duarte made a motion to table this case, seconded by Detective Dobbartin, motion carried unanimously.

Case #11 – Matthew E. Driver – Mesa Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Mr. Duarte made a motion to adopt the Findings of Fact and Conclusions of Law and enter a mandatory revocation for the conviction of a felony, seconded by Chief Sheridan, motion carried unanimously.

Case #12 – Michael J. Henry – Tohono O'Odham Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and enter a mandatory revocation for the conviction of a felony, seconded by Dr. Decker, motion carried unanimously.

Case #13 – Frank P. Romero – Tempe Police Department

The Board considered comments from Assistant A. G. Diana Stabler. Dr. Decker made a motion to adopt the Findings of Fact and Conclusions of Law and enter a mandatory revocation for the conviction of a felony, seconded by Chief Sheridan, motion carried unanimously.

NEW CHARGING CASES:

Case #1 – Adam D. Biermann – Mesa Police Department

Chief Sheridan made a motion to request that staff **Research Further**, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Stephen Boltz – Scottsdale Police Department

Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Mr. Duarte, motion carried unanimously. Chief Sheridan requested that staff negotiate a consent agreement on this case that would impose a suspension of peace officer certification for one year.

Case #3 – Edward M. Dobrowolski – AZ Department of Public Safety

Chief Harris made a motion to close this case with **No Action with Agency Discretion**, and advise any agency hiring this individual in Arizona that a specific polygraph be administered that is specific to the allegation in this case, seconded by Chief Huntsman, motion carried unanimously.

Case #4 – Bradley C. Donahue – Avondale Police Department

Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Stephani M. Duarte – Yuma Police Department

Chief Huntsman made a motion to close this case with **No Action**, seconded by Chief Sheridan, motion carried unanimously.

Case #6 – Matthew J. Hill – Gilbert Police Department

Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Chief Harris, motion carried unanimously. Chief Sheridan requested that staff negotiate a consent agreement on this case.

Case #7 – Troy J. Mcloed – Kingman Police Department

Chief Huntsman made a motion to close this case with **No Action with Agency Discretion**, seconded by Chief Harris, motion carried unanimously.

Case #8 – Joel B. Martin – AZ Department of Public Safety

Deputy Director Markley recused herself from this case. Chief Sheridan made a motion to close this case with **No Action**, seconded by Dr. Decker, motion carried unanimously.

Case #9 – Andrea R. Mikkell – Phoenix Police Department

Chief Harris recused himself from this case. Chief Huntsman made a motion to close this case with **No Action**, seconded by Detective Dobbertin, motion carried unanimously.

Case #10 – James T. Mortensen – Gilbert Police Department

Mr. Duarte made a motion to close this case with **No Action**, seconded by Chief Sheridan, motion carried unanimously.

Case #11 – Jesus Paez – Phoenix Police Department

Chief Harris recused himself from this case. Chief Sheridan made a motion to **Initiate Proceedings**, seconded by Chief Huntsman, motion carried unanimously.

Case #12 – Franklin A. Restituyo – Glendale Police Department

Chief Sheridan made a motion to close this case with **No Action**, seconded by Chief Huntsman, motion carried unanimously.

F. ADJOURN

Chairman Butler adjourned the meeting at 11:56 a.m.